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5 **UNITED STATES DISTRICT COURT**

6 **EASTERN DISTRICT OF WASHINGTON**

7 LESLIE SCHMITZ,

8 Plaintiff,

9 vs.

10 COMMISSIONER OF SOCIAL
11 SECURITY,

12 Defendant.

No. 1:17-CV-03055-MKD

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g)**

ECF Nos. 15, 19

13 BEFORE THE COURT is the parties' Stipulated Motion for Remand (ECF
14 No. 19) of the above-captioned matter to the Commissioner for additional
15 administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g).

16 Attorney D. James Tree represents Plaintiff. Attorney Justin Martin represents
17 Defendant. The parties have consented to proceed before a magistrate judge. ECF
18 No. 3. After considering the file and proposed order, **IT IS HEREBY**

ORDERED:

19 1. The parties' Stipulated Motion for Remand (**ECF No. 19**) is
20 **GRANTED.**

1 2. The above-captioned case is **REVERSED** and **REMANDED** to the
2 Commissioner of Social Security for further administrative proceeding pursuant to
3 sentence four of 42 U.S.C. § 405(g).

4 On remand the administrative law judge (ALJ) shall hold a new hearing and:
5 (1) consider the new and material evidence from Dr. Burkett and Yakima Valley
6 Memorial Hospital; (2) reconsider whether Plaintiff has an impairment that meets
7 or equals a Listing in 20 CFR Part 404, Subpart P, Appendix 1; (3) reassess
8 Plaintiff's residual functional capacity, if necessary; (4) obtain supplemental
9 evidence from a vocational expert; (5) offer Plaintiff a supplemental hearing; and
10 (6) issue a new decision.

11 3. Judgment shall be entered for **PLAINTIFF**.

12 4. Plaintiff's Motion for Summary Judgment (**ECF No. 15**) is **STRICKEN**
13 **AS MOOT**.

14 5. Upon proper presentation, this Court will consider Plaintiff's application
15 for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

16 The District Court Executive is directed to enter this Order, **enter**
17 **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

18 DATED October 23, 2017.

19 *s/Mary K. Dimke*
20 MARY K. DIMKE
 UNITED STATES MAGISTRATE JUDGE